

**Probate Committee
Judicial Conference of Indiana**

May 18, 2007
Minutes

1. Members present. The following members of the committee were present via conference call: Larry Bradley, Susan Orr Henderson, Phillip Houk, David Kolger, Thomas Milligan, Kathy Smith, and Kevin Barton, Chair.
2. Staff present. Michelle C. Goodman provided the committee with staff assistance.
3. Approval of minutes. The Committee approved the minutes from the January 2007 meeting.
4. Benchbook revisions. The Committee reviewed revisions to the definition section of Tab 9.00 and approved the changes proposed by staff. The Committee requested that these revisions be distributed as soon as possible.
5. Report from State Bar Section. Judge Barton provided the Committee with an overview of the April meeting of the Probate, Trust, and Real Property section. Among the issues discussed included pending legislation, funeral directives due to conflict between personal representatives and POA powers after death, family burial plots and time-frame for reverting interests, lock box access prior to estates being opened and control of contents, extending duration for parental delegation statutes in light of military personnel, living trusts, title insurance, and asset protection trusts. The next section meeting will be in July.
6. Legislation. The Committee discussed the provisions of SB 49, 212, 550, 534 and HB 1508.
7. National College of Probate Judges Conference. Judge Barton reported on the sessions provided at the Spring conference in April, which included Terry Shivo case, media relations for high profile cases, elder abuse issues, cross-border guardianships, courtroom technology. There was a discussion that arose regarding whether the Full Faith and Credit clause applies also to guardianship cases. Judge Barton indicated he would research this further.
8. Innovations in Probate. Judge Barton reported that he spoke with Becky Pyror, but there was a scheduling conflict with today's meeting for her. He will try to get her to join us in July. Com. Bradley is still trying to get a representative from Marion County to discuss guardian issues for facility residents.
9. Maximum Fee Guidelines. The Committee continued to discuss the fee guidelines. Ms. Goodman reported that DOR uses them in reviewing inheritance tax returns in both supervised and unsupervised cases. The Committee discussed common practices among

attorneys in submitting fee information to the court. The Committee decided that either the 1994 guidelines need to be revised or withdrawn from publication. The Committee decided to talk with local attorneys to get their thoughts on the guidelines. Judge Milligan will work on compiling the information for the Committee. Committee members were asked to submit any information to him by July 1st.

10. Meeting schedule for 2007: The 2007 meeting schedule was set as follows:

July 20, 2007 at 1:30 p.m.

September 7, 2007 at 1:30 p.m.

November 9, 2007 at 1:30 p.m.

All meetings will be held at the Judicial Center with local time prevailing.

Respectfully submitted,

Michelle C. Goodman
Staff Attorney